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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,781	02/06/2002	David Famolari	004900.00006	4542
22907	7590	09/05/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,781

Applicant(s)

FAMOLARI, DAVID

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-31 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 11-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari (Pub. No. 2003/0110484 A1) in view of McCorkle (Pub. No. 20020064245 A1).

- With respect to claim 1, Famolari teaches network communication device (e.g. Fig. 1), comprising:

a first interface (26 in Fig. 1) for exchanging information with a network device (21 in Fig. 1);

a second interface (33 in Fig. 1) connected to the first interface for establishing a connection with the network device; and

middleware logic (block 11 in Fig. 1) for coordinating information exchange between the first interface and the second interface (as block 33, 11 and 26 in Fig. 1), Famolari fails to teach wherein the second interface comprises a clock. McCorkle teaches the timing generator (block 301 and 305 in Fig. 3) for synchronizing between interfaces. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the clock into Famolari's interface for synchronizing the transmitting clock signals.

- With respect to claims 2 & 8, Famolari teaches wherein the first interface transmits a first message to the network device, the first message including an inquiry access code (e.g. Fig. 2A the Bluetooth inquiry).

- With respect to claims 3 & 9, Famolari teaches wherein the inquiry access code comprises an access code of the network device (e.g. the SWP for network in Fig. 2A).

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari (Pub. No. 2003/0110484 A1) and McCorkle (Pub. No. 20020064245 A1) in further view of Haartsen (U.S. Patent No. 6590928 B1).

- With respect to claims 4 & 10, Famolari teaches wherein the first interface receives a second message from the network device (e.g. the SWP from network in Fig. 2A), but fails to teach the second message including a first clock value and a first address corresponding to the network device. Haartsen teaches the message including the first clock value and address (e.g. the master clock and address that receives at a slave col. 21, lines 50-55), therefore, it would have been obvious to a person of ordinary skill in the art the time of the invention was made to implement the message including address and clock for synchronization between devices.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 5-7, 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 16-31 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
8/29/06


CHI PHAM
SUPERVISORY PATENT EXAMINER

8/31/06